

Remarks

Claims 1, 5, 9-11, 17, 20, 26, 29, 35, 38, 44, 47, 49, 53, 55, 57, 59, 62, 63, 74, 76 and 77 were pending in this application. By this Amendment, claims 1, 5, 9-11, 17, 20, 26, 29, 35, 38, 44, 47, 49, 53, 55, 57, 59, 62, 63, 74, 76 and 77 have been canceled without prejudice to prosecution in this or another application. New claims 78-99 have been added, directed to methods of inhibiting an activity of a GRP peptide utilizing a pharmaceutical composition comprising formula XV and kits for carrying out such methods. Representative support for new claims 78-99 is shown in the following table:

New Claim(s)	Previous Claim(s)	Specification Support
78, 80	29 and 49	page 11, lines 14-28; page 12, line 15
79, 81, 84, 85, 92 and 93	35, 49, 62 and 63	page 13, lines 5-17
82, 83, 90 and 91	35, 49 and 74	page 26, lines 10-31
86-89 and 94- 97	35	page 27, lines 1-16
98 and 99	55	page 31, line 32 to page 32, line 18

No new matter is introduced by the foregoing amendments. After entry of this Amendment, **claims 78-99 are pending in this application.** Substantive examination of the pending claims is requested.

Response to Restriction Requirement

Claims 1, 5, 9-11, 17, 20, 26, 29, 35, 38, 44, 47, 49, 53, 55, 57, 59, 62, 63, 74, 76 and 77 were subject to a restriction requirement under 35 U.S.C. §121 and §372. The Office divided the claims into Groups I-XIII. Without admission as to the appropriateness of that division, Applicants have canceled all of the previous claims and submit herewith new claims 78-99 (all of which are related to methods of inhibiting an activity of a GRP peptide with a pharmaceutical composition comprising a compound of formula XV). It is believed that these claims correspond most closely to subject matter previously assigned to Examiner's Groups IV, VII and XIII. However, Applicants request that claims 78-99 be examined together in this application based on the following arguments:

37 CFR § 1.475 requires unity of invention in a national stage application such as this; unity of invention is present when a group of inventions are “so linked as to form a single general inventive concept” (*See* 37 CFR § 1.475(a)). “A group of inventions is considered linked to form a single general inventive concept where there is a technical relationship among the inventions that involves at least one common or corresponding special technical feature” (MPEP § 1893.03(d); *See also* 37 CFR § 1.475(a)). Further, “The expression ‘special technical features’ shall mean those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art” (*See* 37 CFR § 1.475(a)).

Applicants submit that all of the now-pending claims are unified by the special technical feature of methods of inhibiting an activity of a GRP peptide with a pharmaceutical composition comprising a compound of formula XV. Applicants are not aware of any prior art that discloses such methods. Moreover, neither reference cited in the Restriction Requirement (Tmej *et al.* and U.S. Pat. No. 6,077,928) describe a pharmaceutical composition comprising a compound of formula XV, or a method of using such compositions to inhibit an activity of a GRP peptide. Therefore, claims 78-99 contain an appropriate “corresponding special technical feature” sufficient for fulfilling the unity of invention requirement (*See* 37 CFR § 1.475(a); MPEP § 1893.03(d)). Applicants request that the restriction requirement be withdrawn, and that all of the now pending claims be examined in the current case.

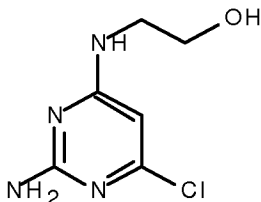
In accord with 37 CFR §1.143, Applicants specifically reserve the right to petition to have the appropriateness of the finding of lack of unity/restriction requirement reconsidered, if it is maintained in spite of this response.

Should a species election of a single compound of formula XV and/or a single disease be required, Applicants elect compound XV' (see below for formula) and “cellular proliferative disease”. Compound XV' reads on claims 78-99. Cellular proliferative disease reads on claims 78-82, 84-90 and 92-99.

Required election

In accordance with the requirements of existing Office rules, and in case the above arguments are not successful at obtaining examination of all of the now-pending claims, Applicants hereby elect **Group XIII** (methods for treating low blood pressure or an eating disorder... [using] formula XV) for prosecution in the subject application with traverse. This election currently corresponds at least to new **claims 82, 83, 90 and 91**.

Until a generic claim is held to be allowable, Applicants further elect the species **compound XV'** as the compound to be examined initially (claims 78-99), and **low blood pressure** (hypotension) as the disease to be examined initially (claims 82, 83, 90 and 91). The structure of compound XV' is:



Support for this structure can be found in the specification at least at page 12, line 15.

Conclusion

Based on the foregoing Amendment, the claims are in condition for substantive examination. If any issues remain to be addressed prior to examination, the Examiner is invited to telephone the undersigned at the telephone number listed below.

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